

time that the oysters were in contact with water or salt water containing less than 0.75 percent salt, after leaving the shucker, was more than 30 minutes.

PLEA: Not guilty.

DISPOSITION: On 11-27-59, the case came on for trial before the court and jury. The trial was concluded on the same day with the return of a verdict of not guilty.

FRUITS AND VEGETABLES*

CANNED FRUIT

26247. Canned peaches. (F.D.C. No. 42687. S. No. 34-941 P.)

QUANTITY: 1,746 cases, 24 1-lb. 14-oz. cans each, at New Cumberland, Pa.

SHIPPED: 10-29-58, from Modesto, Calif., by Robert B. Boyer Co.

LABEL IN PART: (Can) "Frontier Halves Yellow Freestone Peaches."

LIBELED: 2-5-59, M. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect parts, fly eggs, and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 7-24-59. Consent—claimed by Robert B. Boyer Co. Segregated; 220 cases plus 5 cans destroyed.

26248. Canned peaches. (F.D.C. No. 44228. S. No. 96-787 P.)

QUANTITY: 1,100 cases, 24 1-lb. 13-oz. cans each, at Elizabethport, N.J.

SHIPPED: 11-19-59, from Luray, Va., by Moyer Bros.

LABEL IN PART: (Can) "Page Valley Brand Yellow Freestone Peaches Halves in Heavy Syrup Packed by Moyer Bros., Luray, Virginia."

LIBELED: 2-10-60, Dist. N.J.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the definition and standard of quality for canned peaches, since all peach units of the article tested in accordance with the method prescribed in such standard were not pierced by a weight of not more than 300 grams; and the weight of the largest unit in some containers was more than twice the weight of the smallest unit therein, and its label failed to bear, as specified by regulations, a statement that it fell below such standard.

DISPOSITION: 3-1-60. Consent—claimed by Clarence M. Moyer, Warren A. Moyer, Winfield L. Moyer, and T. C. Moyer, t/a Moyer Bros., and relabeled.

DRIED FRUIT

26249. Dried currants. (F.D.C. No. 43401. S. No. 52-115 P.)

QUANTITY: 17 30-lb. cases at Moorhead, Minn., in possession of United Supply Co.

SHIPPED: 10-17-58, from Del Rey, Calif.

LIBELED: 7-24-59, Dist. Minn.

CHARGE: 402(a)(3)—contained moldy currants while held for sale.

DISPOSITION: 11-9-59. Default—destruction.

26250. Pitted dates. (F.D.C. No. 43866. S. No. 54-578 P.)

QUANTITY: 18 cases, 48 8-oz. pkgs. each, at Pine Bluff, Ark.

SHIPPED: 9-11-58, from outside the State of Arkansas.

*See also No. 26215.